

REMARKS

Claims 1-5 and 11-13 have been examined and rejected on prior art grounds. Claims 6-10 have been withdrawn. Hence, claims 1-13 are all the claims pending in the application.

Claim Rejections - 35 U.S.C. § 103(a)

Claims 1-3, 5, and 11-13 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,468,162 to Nakamura (hereinafter "Nakamura").

Applicants respectfully traverse the rejections for at least the following reasons.

In framing the rejection, the Examiner asserts that Nakamura's arcade game machines 10-1 and 10-2 correspond to the claimed first and second game devices. The Examiner seems to allege that Nakamura's character information which is written to the portable information storage device 54 corresponds to the claimed game parameters stored on the portable storage medium and that Nakamura's personal information including a number of game plays corresponds to the claimed information relating to a play amount for a player.

In the Amendment filed September 13, 2007, Applicants argued that Nakamura does not teach that the second game device includes a game processing means for reading game parameters and carrying out game processing based on the read game parameters, as required by independent claim 1.

Additionally, Applicants argued that Nakamura does not teach that the second game device includes a game processing means for modifying the alleged content of game processing to process prescribed game events if the game processing means determines that the read information relating to the play amount exceeds a certain value, as required by independent claim 1.

Game processing of Nakamura's arcade game machine 10 is not based on read game parameters

In response to Applicants' first argument, the Examiner maintains that the alleged second game device (Nakamura's arcade game machine 10) includes game processing means for reading game parameters and carrying out game processing based on the read game parameters.

Applicants disagree at least for the following reasons.

Nakamura discloses that the arcade game machine 10 includes a writing processing section for writing character information into the portable information storage device 54 *when a charge is paid* (col. 6, lines 12-14). Nakamura also discloses that a player enjoys *purchasing and collecting* character information from the arcade game machine 10 (col. 9, lines 1-3). However, Nakamura discloses that *the domestic game machine 18* can provide a game utilizing the character information (col. 9, lines 30-34) and the game cannot be played without the domestic game machine 18 (col. 10, lines 55-59).

Clearly, Nakamura is directed to a system in which character information is purchased and collected on the portable information storage device 54 when inserted in the arcade game machine 10, and the game utilizing this character information is carried out by the domestic game machine 18. Thus, Nakamura's arcade game machine 10 does not carry out game processing *based on the read game parameters*, as required by claim 1. Instead, the game processing which utilizes the character information on the portable information storage device 54 is carried out by Nakamura's domestic game machine 18.

Although Nakamura does teach that the arcade game machine 10 carries out game processing, this game processing merely executes an *accessory game* which a player plays while waiting for the character information to be downloaded onto the portable information storage

device 54 (col. 11, lines 23-23 and col. 12, lines 29-31). Nakamura does not teach or suggest that the game processing of this accessory game is carried out based on the character information read from the portable information storage device 54. Thus, Nakamura does not teach or suggest that the arcade game machine 10 carries out game processing *based on read game parameters*.

Even if the Examiner had more appropriately asserted that Nakamura's domestic game machine 18 corresponds to the claimed second game device, Applicants submit that Nakamura does not teach or suggest a game processing means for modifying the content of game processing to process prescribed game events if the game processing means determines that the read information relating to the play amount exceeds a certain value, as required by independent claim 1. This argument mirrors Applicants' second argument of the Amendment filed September 13, 2007.

Nakamura does not teach or suggest modifying the content of game processing if play amount exceeds a certain value

In response to Applicants' second argument, the Examiner admits that Nakamura does not teach that modifying of game processing is performed if it is determined that the read information relating to the play amount exceeds a certain value. To cure this deficiency, the Examiner alleges that it is well known in the art that prescribed game events are processed when the game play amount exceeds a certain value. The Examiner goes on to assert that game events related to play amount such as a game level, round, stage, or bonus event are provided throughout the play of a game to maintain a player's interest for the game. It is on this basis that the Examiner contends that it would have been obvious to one of ordinary skill in the art to modify Nakamura's game system to modify content of game processing to process prescribed

game events if it is determined that the read information relating to the play amount exceeds a certain value.

Here, the Examiner takes Official Notice with regard to modifying the content of game processing if the play amount exceeds a certain value. However, general conclusions concerning what is “basic knowledge” or “common sense” to one of ordinary skill in the art without specific factual findings and some concrete evidence in the record to support these findings will not support an obviousness rejection (See MPEP §2144.03(B)). Applicants submit that the Official Notice is improper because the Examiner has not provided such concrete evidence in the record in support of the asserted modification to Nakamura.

More specifically, the Examiner’s proposed modification to Nakamura’s system involves modifying game processing if play amount exceeds a certain value. In support of this modification, the Examiner asserts that the game processing of the arcade game machine 10 is modified when a user updates the game data (page 3 of the Office Action). It seems that the Examiner is referring to the downloading of the new character information onto the portable information storage device by the arcade game machine 10. However, as discussed above, the game processing of the arcade game machine 10 is executed merely to occupy the time that is required to download the new character information and is independent thereof. Thus, contrary to the Examiner’s assertions, Nakamura does not teach that the arcade game machine 10 performs game processing which is based on read game parameters and also does not teach that such game processing is modified when game data is updated.

Even if the Examiner had more appropriately asserted that Nakamura’s domestic game machine 18 corresponds to the claimed second game device, Nakamura merely discloses that the game utilizing the character information stored on the portable storage medium 54 is carried out

by the domestic game machine 18. Nakamura falls short of teaching or suggesting any modification of the game processing carried out by the game machine 18. Moreover, Nakamura does not teach or suggest any relationship between the number of game plays and the game processing executed by the domestic game machine.

Claim 1

In light of the above deficiencies, Applicants submit that the Examiner has not provided sufficient factual support in the art of record to take Official Notice. Thus, Applicants submit that the Official Notice is improper and that claim 1 is not rendered unpatentable by Nakamura.

Claims 2-3, 5, and 11-13

Applicants submit that claims 2-3, 5, and 11-13, being dependent on claim 1, are patentable at least by virtue of their dependency.

Claim 4 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Nakamura in view of U.S. Patent No. 5,833,538 to Weiss (hereinafter "Weiss").

Applicants respectfully traverse the rejection for at least the following reasons.

Because claim 4 is dependent on claim 1, and because Weiss does not cure the deficiencies of Nakamura, Applicants submit that claim 4 is patentable at least by virtue of its dependency.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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